

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

JEANY L. DUNLAP
AKA JEANY FREDERICKSON

Debtor(s)

Chapter 13
Case No. 19-08135

Judge A. BENJAMIN GOLDGAR

NOTICE OF MOTION

PLEASE TAKE NOTICE that on September 20, 2019, at the hour of 9:30 A.M., I shall appear before the Honorable Judge A. BENJAMIN GOLDGAR, Room in the courtroom usually occupied by him at the Park City Branch Court, Court Room B, 301 S. Greenleaf Avenue, Park City, IL, and then and there move the Court pursuant to the attached Motion, at which time and place you may appear if you see fit.

/s/ Timothy R. Yueill

By: Timothy R. Yueill, Esq.

Served upon the following parties electronically:

DAVID M SIEGEL, DAVID M. SIEGEL & ASSOCIATES, 790 CHADDICK DRIVE, WHEELING, IL 60090 - Counsel for Debtor(s)

GLENN B STEARNS, 801 WARRENVILLE RD., STE. 650, LISLE, IL 60532 - Trustee

PATRICK S. LAYNG, OFFICE OF THE U.S. TRUSTEE, REGION 11, 219 S. DEARBORN ST., ROOM 873, CHICAGO, IL 60604-U.S. Trustee

and served upon the following parties by mail:

JEANY L. DUNLAP AKA JEANY FREDERICKSON, 3919 CORNELL AVE, PARK CITY, IL 60085 - Debtor(s)

Certification of Service

I, the undersigned, an attorney, hereby certified that I have served a copy of this Notice along with the attached Motion upon the parties listed above, as to the Trustees and Debtor(s)' counsel via electronic through ECF on August 21, 2019, and as to the Debtor(s) by causing same to be mailed in a properly addressed envelope, postage prepaid, in the U.S. Mail Chute at 175 North Franklin, Chicago, Illinois, before the hour of 5:00 p.m., on August 21, 2019.

By: /s/ Timothy R. Yueill

LAW OFFICES OF IRA T. NEVEL, LLC

Ira T. Nevel

Timothy R. Yueill

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MO

19-01511

THIS FIRM IS A DEBT COLLECTOR

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MOTION FOR RELIEF FROM AUTOMATIC STAY

NOW COMES IGLOO SERIES IV TRUST, a secured creditor herein, by and through its counsel, LAW OFFICES OF IRA T. NEVEL, LLC and moves this Honorable Court for an Order granting relief from the Automatic Stay in effect as to this creditor, and in support thereof, states as follows:

1. Jurisdiction is proper and venue is fixed in this Court with respect to these parties.
2. The Debtor herein filed a Petition under Chapter 13 of Title 11, United States Bankruptcy Code on March 22, 2019.
3. Said Creditor is a mortgagee lien holder on the real property commonly known as 3919 CORNELL AVE , PARK CITY, IL 60085.
4. The debtor has executed and delivered or is otherwise obligated with respect to that certain promissory note (the "Note"). A copy of the Note is attached hereto as Exhibit A. Movant is an entity entitled to enforce the Note.
5. Pursuant to that certain Mortgage (the "Mortgage"), all obligations (collectively, the "Obligations") of the Debtor under and with respect to the Note and the Mortgage are secured by the Property. A copy of the Mortgage is attached hereto as Exhibit B.
6. All rights and remedies under the Mortgage have been assigned to the Movant pursuant to that certain assignments of mortgage, copies of which are attached hereto as Exhibits C-1 thru C-3.
7. That enforcement of said security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code.
8. The Chapter 13 Plan herein provides for the cure of the default of said mortgage and maintenance of current payments during the pendency of the proceedings.

9. Pursuant to the Plan, the Debtor is to disburse the post-petition monthly mortgage payments directly to this Creditor.

10. That this Creditor is entitled to relief from the Automatic Stay under 11 U.S.C. §362(d) as the Debtor is past due for the June 1, 2019 payment through and including July 1, 2019. Payments are in the sum of \$1224.02 each, with the total post-petition default through and including the July 1, 2019 in the amount of \$2448.04 (with \$22.79 in suspense) for a total default of \$2425.25. The August 2019 payment will be due as well by the anticipated hearing date.

11. Said failure to make post-petition mortgage payments is sufficient grounds for relief from the Automatic Stay for cause pursuant to 11 U.S.C. §362(d)(1).

12. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested herein, Movant has also incurred \$850 in legal fees and \$181 in costs. Movant reserves all right to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

13. That this Court has the authority to order that Rule 4001(a)(3) is not applicable to the Order entered in granting this Motion, and this Creditor requests this Court to so order.

14. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclosure if necessary.

WHEREFORE, this Creditor, IGLOO SERIES IV TRUST, prays that this Court enter an Order, pursuant to 11 U.S.C. §362(d), granting relief from the Automatic Stay and for such other additional relief as this Court may deem fit.

1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.

2. Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement.

Law Offices of Ira T. Nevel, LLC

/s/ Timothy R. Yueill

By: Timothy R. Yueill, Esq.
Counsel for IGLOO SERIES IV TRUST

LAW OFFICES OF IRA T. NEVEL, LLC

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